

REMARKS**Status of Claims**

The Office Action mailed March 2, 2007 has been reviewed and the comments of the Patent and Trademark Office have been considered. Claims 1- 70 were pending in the application. Claims 1, 2, 26, 27 and 37 have been amended. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, are presented, with an appropriate defined status identifier. Therefore, claims 1-70 are pending in the application.

35 U.S.C. § 112 Rejections

Claim 37 is rejected under 35 U.S.C. § 112, second paragraph, as having lack of antecedent basis for one of its terms. The dependency of this claim has been amended to address this issue. Thus, reconsideration and withdrawal of the rejection is respectfully requested.

Prior Art Rejections

Claims 1-9, 13-16, 20-23, 26-34, 38-41, 45-48, 52-60 and 64-67 are rejected under 35 U.S.C. § 103(a) as being unpatentable over King et al. (hereinafter "King") in view of Maanoja et al. (hereinafter "Maanoja"). Claims 10 and 35 are rejected under 35 U.S.C. § 103(a) as being unpatentable over King in view of Maanoja further in view of Willars et al. (hereinafter "Willars"). Claims 11-12 and 36-37 are rejected under 35 U.S.C. § 103(a) as being unpatentable over King in view of Maanoja further in view of Varonen et al. (hereinafter "Varonen"). Claims 17, 24, 42, 61 and 68 are rejected under 35 U.S.C. § 103(a) as being unpatentable over King in view of Maanoja further in view of Kondou et al. (hereinafter "Kondou"). Claims 18-19, 25, 43-44, 50-51, 62-63 and 69-70 are rejected under 35 U.S.C. § 103(a) as being unpatentable over King in view of Maanoja further in view of Mizugaki (hereinafter "Mizugaki"). Applicants respectfully traverse these rejections for at least the following reasons.

Independent claim 1 has been amended to recite a location system including a mobile terminal that "has capability information indicating positioning methods supported by the mobile terminal and selectability of the positioning methods; wherein said controlling node is arranged to receive said capability information from said mobile terminal". Independent claim 26 has been amended in a similar manner. Independent claim 52 already contains

language pertaining to the capability information indicating positioning methods supported by the mobile terminal and selectability of the positioning methods that is stored and transmitted by the mobile terminal.

Claims 1-9, 13-16, 20-23, 26-34, 38-41, 45-48, 52-60 and 64-67 are rejected under 35 U.S.C. § 103(a) as being unpatentable over King in view of Maanoja. The outstanding Office Action correctly asserts that King only teaches “a method and apparatus for A-GPS” (page 3, line 7). Thus, King does not teach a mobile terminal with capability information relating to more than one method of obtaining position.

Maanoja does not make up for the deficiencies of King as listed above. Maanoja is directed towards a method for calculating the location of a mobile user terminal, where a dynamic location estimator controller (DLEC) is located with the serving mobile location centre (SMLC) (as shown in Fig. 9). The DLEC dynamically selects the most suitable location calculating method for determining the position of the mobile terminal. There is no teaching or suggestion in Maanoja of capability information regarding the positioning methods and selectability of those methods in the mobile terminal, or that any such information is input to the control node. Rather, Maanoja teaches that the DLEC, in the serving mobile location centre, decides which location calculating method to use without any input from the mobile terminal. Thus, Maanoja also fails to teach this feature of the independent claims.

As shown, neither King nor Maanoja teaches or discloses all of the features of the independent claim, specifically failing to teach a location system including a mobile terminal that “has capability information indicating positioning methods supported by the mobile terminal and selectability of the positioning methods; wherein said controlling node is arranged to receive said capability information from said mobile terminal”. Thus, King or Maanoja, either alone or in any combination thereof, would also fail to teach all of the limitations of the independent claims. If this rejection is maintained, the examiner is respectfully requested to point out where this feature is disclosed in either King or Maanoja.

The dependent claims are also patentable for at least the same reasons as the independent claims on which they ultimately depend. In addition, they recite additional patentable features when considered as a whole. As mentioned above, Applicants believe that

the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

Claims 10 and 35 are rejected under 35 U.S.C. § 103(a) as being unpatentable over King in view of Maanoja further in view of Willars. As shown, neither King nor Maanoja teaches or discloses all of the features of the independent claim, specifically failing to teach a location system including a mobile terminal that “has capability information indicating positioning methods supported by the mobile terminal and selectability of the positioning methods; wherein said controlling node is arranged to receive said capability information from said mobile terminal”.

Willars does not make up for the deficiencies of King and Maanoja as listed above. Willars is directed towards handover in a shared radio access network environment using subscriber-dependent neighbor cell lists. There is no teaching or suggestion in Willars of location-detecting methods such as GPS or AOTDOS, let alone any disclosure relating to capability information regarding the positioning methods and selectability of those methods in the mobile terminal, or that any such information is input to the control node. Thus, Willars also fails to teach this feature of the independent claims.

As shown, neither King, Maanoja, nor Willars teaches or discloses all of the features of the independent claim, specifically failing to teach a location system including a mobile terminal that “has capability information indicating positioning methods supported by the mobile terminal and selectability of the positioning methods; wherein said controlling node is arranged to receive said capability information from said mobile terminal”. Thus, King, Maanoja or Willars, either alone or in any combination thereof, would also fail to teach all of the limitations of the independent claims. If this rejection is maintained, the examiner is respectfully requested to point out where this feature are disclosed in either King, Maanoja or Willars.

Claims 11-12 and 36-37 are rejected under 35 U.S.C. § 103(a) as being unpatentable over King in view of Maanoja further in view of Varonen. As shown, neither King nor Maanoja teaches or discloses all of the features of the independent claim, specifically failing to teach a location system including a mobile terminal that “has capability information indicating positioning methods supported by the mobile terminal and selectability of the

positioning methods; wherein said controlling node is arranged to receive said capability information from said mobile terminal”.

Varonen does not make up for the deficiencies of King and Maanoja as listed above. Varonen is directed towards a system that locates a mobile terminal addressed in a location service request by an overlay identity. There is no teaching or suggestion in Varonen of capability information regarding the positioning methods and selectability of those methods in the mobile terminal, or that any such information is input to the control node. Thus, Varonen also fails to teach this feature of the independent claims.

As shown, neither King, Maanoja, nor Varonen teaches or discloses all of the features of the independent claim, specifically failing to teach a location system including a mobile terminal that “has capability information indicating positioning methods supported by the mobile terminal and selectability of the positioning methods; wherein said controlling node is arranged to receive said capability information from said mobile terminal”. Thus, King, Maanoja or Varonen, either alone or in any combination thereof, would also fail to teach all of the limitations of the independent claims. If this rejection is maintained, the examiner is respectfully requested to point out where this feature are disclosed in either King, Maanoja or Varonen.

Claims 17, 24, 42, 61 and 68 are rejected under 35 U.S.C. § 103(a) as being unpatentable over King in view of Maanoja further in view of Kondou. As shown, neither King nor Maanoja teaches or discloses all of the features of the independent claim, specifically failing to teach a location system including a mobile terminal that “has capability information indicating positioning methods supported by the mobile terminal and selectability of the positioning methods; wherein said controlling node is arranged to receive said capability information from said mobile terminal”.

Kondou does not make up for the deficiencies of King and Maanoja as listed above. Kondou is directed towards a mobile terminal, and an information providing method and system which immediately provides information, which the user of the mobile terminal desires, for the mobile terminal. There is no teaching or suggestion in Kondou of capability information regarding the positioning methods and selectability of those methods in the mobile terminal, or that any such information is input to the control node. Thus, Kondou also fails to teach this feature of the independent claims.

As shown, neither King, Maanoja, nor Kondou teaches or discloses all of the features of the independent claim, specifically failing to teach a location system including a mobile terminal that “has capability information indicating positioning methods supported by the mobile terminal and selectability of the positioning methods; wherein said controlling node is arranged to receive said capability information from said mobile terminal”. Thus, King, Maanoja or Kondou, either alone or in any combination thereof, would also fail to teach all of the limitations of the independent claims. If this rejection is maintained, the examiner is respectfully requested to point out where this feature are disclosed in either King, Maanoja or Kondou.

Claims 18-19, 25, 43-44, 50-51, 62-63 and 69-70 are rejected under 35 U.S.C. § 103(a) as being unpatentable over King in view of Maanoja further in view of Mizugaki. As shown, neither King nor Maanoja teaches or discloses all of the features of the independent claim, specifically failing to teach a location system including a mobile terminal that “has capability information indicating positioning methods supported by the mobile terminal and selectability of the positioning methods; wherein said controlling node is arranged to receive said capability information from said mobile terminal”.

Mizugaki does not make up for the deficiencies of King and Maanoja as listed above. Mizugaki is directed towards a server that provides information related to a service and sends positioning accuracy to a mobile terminal in accordance with a content of a requested service, and a mobile terminal that changes a position detecting method in accordance with the set positioning accuracy. There is no teaching or suggestion in Mizugaki of capability information regarding the positioning methods and selectability of those methods in the mobile terminal, or that any such information is input to the control node. Rather, Mizugaki teaches that the mobile terminal is able to hold information the about correspondence relationship between positioning accuracy and the position detecting methods (paragraph 0036, 0040). Further, the mobile terminal has an application program that enables it to change a position detecting method (paragraph 0045). This is in stark contrast to the independent claims, in which the mobile terminal maintains information regarding its capabilities, indicating which positioning methods that it supports that selectability of those positioning methods. The mobile terminal of Mizugaki does not contain information regarding the positioning methods that it supports.

Further, the mobile terminal of Mizugaki also fails to teach sending capability information to a control node. Rather, the mobile terminal of Mizugaki does not send the information it holds to any other node; instead it utilizes that information to decide to change the positioning method on its own. Again, that is in stark contrast to the independent claims that teach a mobile terminal that “has capability information indicating positioning methods supported by the mobile terminal and selectability of the positioning methods; wherein said controlling node is arranged to receive said capability information from said mobile terminal”. Thus, Mizugaki also fails to teach these features of the independent claims.

As shown, neither King, Maanoja, nor Mizugaki teaches or discloses all of the features of the independent claim, specifically failing to teach a location system including a mobile terminal that “has capability information indicating positioning methods supported by the mobile terminal and selectability of the positioning methods; wherein said controlling node is arranged to receive said capability information from said mobile terminal”. Thus, King, Maanoja or Mizugaki, either alone or in any combination thereof, would also fail to teach all of the limitations of the independent claims. If this rejection is maintained, the examiner is respectfully requested to point out where this feature are disclosed in either King, Maanoja or Mizugaki.

Conclusion

In view of the foregoing amendments and remarks, Applicant believes that the application is now in condition for allowance. An indication of the same is respectfully requested. If there are any questions regarding the application, the examiner is invited to contact the undersigned attorney at the local telephone number below.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for

such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date June 4, 2007 (Monday)

By

A handwritten signature in black ink, appearing to read "George C. Beck", is written over a horizontal line.

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 945-6014
Facsimile: (202) 672-5399

George C. Beck
Attorney for Applicant
Registration No. 38,072